

9/16/09

AGENDA*
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING
Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Hearing Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
Friday, October 16, 2009
11:00 a.m.

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* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under EMC Information and Calendar of Events.

** The Minutes for this meeting will be available on the ADEM website under EMC Information.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON AUGUST 21, 2009
2. ELECTIONS
3. REPORT FROM THE DIRECTOR
4. REPORT FROM THE COMMISSION CHAIR
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 6, WATER QUALITY PROGRAM (UNDERGROUND STORAGE TANK) REGULATIONS, CHAPTER 335-6-15

The Commission will consider proposed amendments to ADEM Admin. Code Division 6, Water Quality Program (Underground Storage Tank) Regulations, Chapter 335-6-15, "Technical Standards, Corrective Action Requirements and Financial Responsibility for Owners and Operators of Underground Storage Tanks." The amendments are being proposed to provide updated regulations to meet the requirements for cathodic protection testers and other necessary updates. The Department held a public hearing on the proposed amendments on September 11, 2009.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMIN. CODE DIVISION 6, WATER QUALITY PROGRAM (UNDERGROUND STORAGE TANK) REGULATIONS, CHAPTER 335-6-16

The Commission will consider proposed amendments to ADEM Admin. Code Division 6, Water Quality Program (Underground Storage Tank) Regulations, Chapter 335-6-16, "Administrative Guidelines and Procedures for the Alabama Underground and Aboveground Storage Tank Trust Fund" to establish the annual Trust Fund Charge and scope of Trust Fund coverage, effective January 1, 2010. The Trust Fund Charge is proposed at \$0.0125 per gallon, and the scope of Trust Fund coverage is proposed at \$1.1 million per incident. The Department will hold a public hearing on the proposed amendments on September 23, 2009.

7. CONSIDERATION OF ADOPTION OF THE PROPOSED ADDITION OF CHAPTER 335-13-12 TO ADEM ADMIN. CODE DIVISION 13, SOLID WASTE PROGRAM REGULATIONS

The Commission will consider the proposed addition of Chapter 335-13-12 to ADEM Admin. Code Division 13, Solid Waste Program Regulations. Chapter 335-13-12 would establish the regulatory requirements necessary for the implementation of the Solid Waste landfill operator certification program. The Department held a public hearing on the proposed addition on August 26, 2009.

8. CONSIDERATION OF ADOPTION OF THE PROPOSED ADDITION OF CHAPTER 335-13-13 TO ADEM ADMIN. CODE DIVISION 13, SOLID WASTE PROGRAM REGULATIONS

The Commission will consider the proposed addition of Chapter 335-13-13 to ADEM Admin. Code Division 13, Solid Waste Program Regulations. Chapter 335-13-13 would establish a statewide solid waste reduction and recycling goal. The Department will hold a public hearing on the proposed addition on September 23, 2009.

9. BLACK WARRIOR RIVERKEEPER, INC. V. ADEM, AND SHEPHERD BEND, L.L.C., EMC DOCKET NO. 09-04 (NPDES-RELATED MATTER)

The Commission will consider the Administrative Law Judge's (ALJ) "Recommended Findings of Fact and Conclusions of Law" in which the ALJ recommends to the Commission that ADEM's and Shepherd Bend's motions for summary judgment be granted as to the issue of standing, particularly the issues expressed by Black Warrior are not ripe for appeal. The Commission will also consider the Petitioner's request for oral argument; the Petitioner's objections to the ALJ's "Recommended Findings of Fact and Conclusions of Law", alternative findings of fact and conclusions of law, and proposed order; the Intervenor's reply brief in response to the Petitioner's objections; the Petitioner's motion to strike portions of the Intervenor's reply brief; and the Intervenor's response to the Petitioner's motion to strike.

The ADEM administrative action appealed under Docket No. 09-04 is ADEM's issuance of NPDES Permit AL0079162 on July 21, 2008, to Shepherd Bend, L.L.C., Shepherd Bend Mine, Walker County.

10. OTHER BUSINESS

11. FUTURE BUSINESS SESSION